

1 LOUIS R. MILLER (State Bar No. 54141)
smiller@millerbarondess.com
2 AMNON Z. SIEGEL (State Bar No. 234981)
asiegel@millerbarondess.com
3 CASEY B. PEARLMAN (State Bar No. 291214)
cpearlman@millerbarondess.com
4 JESSE K. BOLLING (State Bar No. 286267)
jbolling@millerbarondess.com
5 MILLER BARONDESS, LLP
1999 Avenue of the Stars, Suite 1000
6 Los Angeles, California 90067
Telephone: (310) 552-4400
7 Facsimile: (310) 552-8400

8 Attorneys for Plaintiff
9 HERRING NETWORKS, INC.

10 **UNITED STATES DISTRICT COURT**
11 **CENTRAL DISTRICT OF CALIFORNIA, WESTERN DIVISION**

12
13 HERRING NETWORKS, INC., a
14 California corporation,

15 Plaintiff,

16 v.

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18 AT&T SERVICES, INC., a Delaware
19 corporation; and AT&T, INC., a
Delaware corporation,

20 Defendants.
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CASE NO. 2:16-cv-01636-CAS-AGR
DECLARATION OF AMNON Z.
SIEGEL IN SUPPORT OF
PLAINTIFF HERRING
NETWORKS, INC.'S OPPOSITION
TO NON-PARTY AARON
SLATOR'S EX PARTE
APPLICATION FOR PROTECTIVE
ORDER CONTINUING
DEPOSITION DATE

[Filed concurrently with Opposition]

Assigned for All Purposes to:
Hon. Christina A. Snyder, Court Rm. 5

Action Filed: March 9, 2016
Trial Date: September 19, 2017

DECLARATION OF AMNON Z. SIEGEL

I, Amnon Z. Siegel, declare as follows:

1. I am an attorney duly admitted to practice within the State of California. I am a partner with the law firm Miller Barondess, LLP, counsel of record for Plaintiff Herring Networks, Inc. ("Herring"). I have personal knowledge of the facts set forth herein, and if called as a witness, I could and would competently testify to such facts. I make this declaration in support of Herring's Opposition to Non-Party Aaron Slator's *Ex Parte* Application for Protective Order Continuing Deposition Date.

2. In September 2016, I contacted Aaron Slator's counsel, Kerry Garvis Wright, to attempt to schedule his deposition. Specifically, on September 14, 2016, I reached out to Ms. Wright to determine whether she would accept service of a subpoena for Mr. Slator. Nine days later, I had received no response, so I asked Ms. Wright again to confirm whether she would accept service for Mr. Slator. She did not respond. As a result, I informed Ms. Wright that Herring would personally serve Mr. Slator with the subpoena.

3. Herring served the deposition subpoena personally on Mr. Slator on September 28, 2016.

4. Within days, Ms. Wright contacted me by phone to state that Mr. Slator was unavailable on October 19, 2016, the day on which his deposition was scheduled in the subpoena. After conferring with Ms. Wright and counsel for Defendants AT&T Services, Inc. and AT&T, Inc. (together, "AT&T"), all parties agreed to reschedule the deposition for November 17, 2016.

5. At that time, Ms. Wright informed me that AT&T had agreed to pay for Mr. Slator's representation as a witness in this case.

6. On November 15, 2016, Brian Hennigan of Hueston Hennigan LLP sent me an email at 5:55 p.m., requesting a continuance of the deposition and also

1 provided me notice of his *Ex Parte* Application should I not agree.

2 7. I advised Mr. Hennigan by telephone that Herring had been
3 cooperatively working to obtain Mr. Slator's deposition for months and that this
4 date had been agreed to weeks ago. I also responded in writing to Mr. Hennigan's
5 request to postpone Mr. Slator's deposition in a letter dated November 16, 2016. A
6 true and correct copy of this letter is attached hereto as **Exhibit A**.

7 I declare under penalty of perjury under the laws of the State of California
8 that the foregoing is true and correct.

9 Executed on this 16th day of November, 2016, at Los Angeles, California.

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11 /s/ Amnon Z. Siegel
12 Amnon Z. Siegel
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